

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Subpoena Issued In: *In re: Zantac
(Ranitidine) Products Liability
Litigation*, Case No. 9:20-md-02924-
RLR (S.D. Fla.)

Michael Bretholz,
Petitioner,

v.

GlaxoSmithKline LLC
Respondent.

No. 1:21-mc-00698-KPF

Judge Katherine Polk Failla

MEMO ENDORSED

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PERTAINS TO SUBPOENA ISSUED IN:

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

In Re: Zantac (Ranitidine) Products
Liability Litigation

MDL No. 2924
20-MD-2924

Judge Robin L. Rosenberg
Magistrate Judge Bruce E. Reinhart

GLAXOSMITHKLINE LLC'S UNOPPOSED LETTER MOTION FOR LEAVE OF
COURT TO REDACT MEMORANDUM IN SUPPORT OF ITS
MOTION TO COMPEL MICHAEL BERTHOLZ'S COMPLIANCE WITH ITS
SUBPOENA AND OPPOSITION TO MR. BERTHOLZ'S MOTION TO QUASH
AND MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL

Dated: September 17, 2021

Judge Failla:

Respondent GlaxoSmithKline LLC (GSK) respectfully asks this Court for leave to redact its motion and file an exhibit under seal. Counsel for Petitioner Michael Bretholz does not oppose this motion.

This action is a dispute over a subpoena that GSK served upon Mr. Bretholz in the multidistrict litigation (MDL) proceeding *In Re: Zantac (Ranitidine) Products Liability Litigation*, pending in the U.S. District Court for the Southern District of Florida, case number 20-MD-2924 (“the Zantac MDL”). As a resident of this district, Mr. Bretholz filed a motion to quash GSK’s subpoena in this Court rather than in the Southern District of Florida.

GSK is filing, contemporaneously with this letter motion, an opposition to Mr. Bretholz’s motion to quash and filing a motion to compel Mr. Bretholz’s compliance with the subpoena. GSK also intends to file a motion to transfer this action to the court overseeing the underlying litigation (the Zantac MDL), the Southern District of Florida, and to file a motion to stay Mr. Bretholz’s motion to quash pending this Court’s ruling on GSK’s motion to transfer.

GSK’s memorandum in support of its motion to compel and in opposition to Mr. Bretholz’s motion to quash cites several documents (collected in a single exhibit) which GSK has obtained in discovery in the Zantac MDL. Pursuant to the confidentiality order in the Zantac MDL, these documents have been designated as confidential by the parties that produced them. *See* Pretrial Order #26, *In Re: Zantac (Ranitidine) Products Liability Litigation*, No. 20-MD-2924, Docket No. 862 (S.D. Fla. June 1, 2020).¹ That court order permits the use of confidential documents for MDL-related litigation, but requires that these documents be filed under seal. For this reason, GSK respectfully asks this Court for leave to file under seal Exhibit 2 to its memorandum in support of its motion to compel and in opposition to Mr. Bretholz’s motion to quash, and leave to redact certain portions of its memorandum that would reveal confidential information.

Respectfully Submitted,

/s/ Patrick Oot

Patrick Oot

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¹ <https://www.flsd.uscourts.gov/sites/flsd/files/20md2924/Pretrial%20Order%20%2326.pdf>.

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2021 a copy of the foregoing UNOPPOSED LETTER MOTION FOR LEAVE OF COURT TO REDACT MEMORANDUM IN SUPPORT OF ITS MOTION TO COMPEL MICHAEL BERTHOLZ'S COMPLIANCE WITH ITS SUBPOENA AND OPPOSITION TO MR. BRETHOLZ'S MOTION TO QUASH AND MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL was electronically filed with the Clerk using the CM/ECF filing system and was served on counsel via e-mail pursuant to pretrial Order 45 in In Re. Zantac MDL.

/s/ Patrick Oot

Patrick Oot

Attorney for GSK

Application GRANTED. Respondent is permitted to file an unredacted version of its motion and exhibit under seal, and a redacted version of the same on the docket.

Dated: September 20, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE